



3 9004 01508375 8

5012

296

636

PHOTOFILE ENVELOPES

MADE FROM

PERMALIFE • PAPER

COPYRITE HOWARD PAPER MILLS INC.

MIN pH 7.5

Marked copy.

See page 5.



OUR FAULTY GAOL SYSTEM.

MEMORANDUM OF AN ADDRESS DELIVERED ON BEHALF
OF THE PRISONERS' AID ASSOCIATION, IN THE
METROPOLITAN CHURCH, TORONTO.

BY THE

HON. S. H. BLAKE, Q.C.



OUR FAULTY GAOL SYSTEM.

MEMORANDUM OF AN ADDRESS DELIVERED ON BEHALF OF THE PRISONERS' AID
ASSOCIATION, AT THE METROPOLITAN CHURCH, TORONTO.

BY THE HON. S. H. BLAKE, Q.C.

NO doubt much of the harm that is done and of the good that is left undone in connection with prisoners is owing to want of thought. The Prophet Isaiah, in dealing with the people of Israel, remonstrates with them in these words (Isa. i. 3): "My people doth not consider." A strong denunciation is presented in Proverbs xxiv. 11, 12: "If thou forbear to deliver them that are drawn unto death, and those that are ready to be slain; if thou sayest, Behold, we knew it not; doth not he that pondereth the heart consider it; and he that keepeth thy soul, doth he not know it, and shall he not render to every man according to his works?"

How much of the harm wrought is by want of thought! Is it not startling to consider the way in which our Lord and Master presents this? At the last supreme moment, as they are gathered on the right and on the left (Matt. xxv. 34, 46)—"The King shall say unto them on his right hand, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world; for I was in prison, and ye came unto me. Then shall the righteous answer him, saying, Lord, when saw we thee in prison, and came unto thee? And the King shall answer and say unto them,—Verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me. Then shall he say also unto them on the left hand,—Depart from me, ye cursed, into everlasting fire, prepared for the

devil and his angels; for I was in prison, and ye visited me not. Then shall they also answer him, saying,—Lord, when saw we thee in prison, and did not minister unto thee? Then shall he answer them, saying,—Verily I say unto you, inasmuch as ye did it not unto one of the least of these, ye did it not to me."

How many are entitled to God's blessing under this test given by our Saviour of those now in this church? How many are subject to the condemnation, not for any active sin or wrong, but simply for the omitting the duty of looking after, tending, and visiting the prisoner? This is a command to be observed by us,—(a) because it is required by the law of God; (b) because it is in the interest of the State. How painful it is to look back to the old plan, where men and women were huddled together like beasts. At times chained down in filth and misery, their food thrown to them as if they were dogs, and nothing for them mentally to feed upon but the fierce spirit of vengeance, which incited them to acts of violence and to the life of a criminal the moment the prison doors were opened for their release. There was no kindly reformatory principle; there was nothing presented to deter from crime.

That the question of the best method of dealing with our prisoners is one of large interest to us is shown at once by the fact that last year in Ontario there were 9,500 commitments for crime and 6,000

convictions. If we had had 6,000 cases of smallpox or of cholera, how there would have been aroused from one end of the province to the other an intense feeling of the absolute necessity of at once ending such a state of affairs, and yet the contamination from the crime is much worse in its results than that from the disease.

It must be borne in mind that, in dealing with this question, there are two main factors,—(a) the deterrent influence to those outside; (b) the reformatory influence on those inside.

Now, take the daily farce going on at our Police Court. The constant sending down of law-breakers to a place which is not infrequently called the Criminal Club, where the culprits are reasonably well fed, well housed, and which is made the rendezvous where the criminal class is glad to meet and discuss all matters of general interest to their profession.

How completely would this cease to be such club if the two foundation principles, now admitted on all hands as guides in prison work, were introduced,—(a) separation; (b) work. It must be remembered, when we are dealing with the question of separation, that it does not mean solitary confinement. The separation consists in being separated from contamination and being separated from the power of contaminating.

How this process of contamination hardens! Take the daily illustration of the first offence. A culprit sentenced to prison, often a mere child, miserable, wretched, in tears, ashamed, sits down, apart by himself. He gets wearied of this, gradually draws near, and soon becomes a companion with the others, and thus enters, placed there by the State, a first-class school of vice. This is the act of the State for some offence, probably not more venal than breaking

a pane of glass, or stealing a few apples. This child, as a matter of common decency, should have been placed directly in a separate cell, to be visited only by the officers, a chaplain, a Christian instructor, supplied with some literature, given work, but kept absolutely apart from all contamination.

If idleness be an evil outside the gaol, it is a much increased evil inside of it. Work should be given to each. It should be constant. There should be an incentive in the shape of a reward for work well done. The same principles that act as a stimulus outside should be introduced inside the gaol. Good marks, badges, the laying aside of a sum of money for the benefit of the prisoner on his release, and the beginning of winning men and women back to citizenship.

By the principle of separation, the hardened criminal, the incorrigible, the man who is determined to continue in a course of crime when he gets his release, and who in the meantime is determined to instruct others in the way of vice, is restrained from such action.

In connection with the position of incorrigibles, it seems now to be generally admitted that the sentence on a hardened criminal should be indeterminate. He should thus be kept away from preying on society until he gives assurance that he will cease to do so. There is no doubt that there is much difficulty in working out satisfactorily this question, but the difficulties connected with it should not prevent an honest attempt being made to endeavour to work upon these lines.

In this respect we may well say,—Give the prisoners a chance. Do not let us, by keeping them together, give the worst the opportunity of educating others up to the highest standard of crime. They have nothing else to do.

They love this work, and thus our prisons are made splendid educational establishments with the best of bad masters to educate in vice.

A work of great importance in connection with prisoners has had a very considerable impetus by the admirable "Act" of the Honourable Mr. Gibson; that is,—the rescue work amongst our children. It is a wealthy community indeed that can afford to let the children become criminals. One child entering the criminal class represents in the watching, the catching, the trial, the keeping in prison house or gaol, and, when dismissed, going over the same work again, an expenditure that would pay many times over for the taking hold of that child, keeping him from contamination, and putting him in the way of becoming an honest citizen. Last year's report of the Superintendent of Neglected and Dependent Children of Ontario, is one of the most instructive and interesting papers that can be read. Possibly, the most beautiful work of art that the world furnishes to-day is the faithful photograph showing the poor little waif, the victim of the vice, dissipation, and misery of its parents, on the one side; and, then, on the other, the joyous, happy, metamorphosed child which is being moulded for good citizenship, under the kindly suggestions and kindly dealings of those that the State now sets to watch them.

Most of you may know that there are twenty-nine societies in Ontario under this Act doing a large and effective work. During the last year 834 cases were looked into; 186 obtained foster homes. A pleasing incident was the language in which a kind heart approached the little band of children seeking a new home, as she said: "I do not want a strong, healthy child, but I want a poor little sick one, to win it back to

strength and happiness." The experience is that oftentimes among these little waifs, you get the best of stuff out of which to make our men and women.

It is most desirable that at the Toronto gaol this work of separation should be begun. In the metropolis of the first province of the Dominion there should be nothing lacking in this respect. All our public offices should be models for the rest of the land to learn from. A sum of \$3,500 would answer for this test. The cost of many a prisoner from his twentieth to his fiftieth year has exceeded this sum. I feel but little doubt that, in thus diminishing the number of prisoners to be arrested, tried, and kept in the gaol, in five years the whole of the extra cost would be saved.

It is a matter of great thankfulness to the Association that our judges lend us much assistance in our work. The following language of the Honourable Mr. Justice Rose is well worth your consideration:

"Young men are often convicted of offences which do not really show moral guilt. In the gaol they consort with hardened criminals, and so are educated in crime. If the degenerated and vicious were to meet to devise a scheme for the propagation of crime, they could adopt no system to serve their purpose more fully than the present gaol system."

A most admirable address, delivered under the auspices of the National Prison Association, by Dr. Meredith, who, as Inspector of Prisons, knew whereof he was speaking, is well worth reading. From it I venture to take the following extracts, which give in much better form than I could the result of the world-wide experience collected in that valuable address:

"The Prison Association of New York, in describing the county

gaols of the Empire State, says : 'If an institution should be established in every county of the State, with the inscription on the door, "vice and crime taught here," and the processes within corresponded to the announcement without, this committee is impressed with the conviction that the work of manufacturing criminals could hardly be done more effectually than it is by our gaol system.'

Dr. Wines reminds us that "De Tocqueville, half a century ago, pronounced our county gaols 'the worst prisons he had ever seen,'" and, he adds, "there has been little marked improvement since. The system is wasteful of time, wasteful of opportunity, wasteful of money, and it does not reform."

And he further says: "The condemnation of the system may be pronounced in a single sentence. It is an absurd attempt to cure crime, the offspring of idleness, by making idleness compulsory, and to teach virtue, the fruit of careful and painstaking moral culture, by enforced association with those who scoff at virtue, duty, and religion."

The Board of State Charities for Ohio has in equally strong language denounced the county gaols of that State : "It is a startling, a terrible proposition, sustained by the report, that Ohio is to-day supporting at public expense as base seminaries of vice as are to be found in any civilized community."

A witty canon of St. Paul's Cathedral thus describes the gaols of England :

"There are in every county in England large public schools, maintained at the expense of the county, for the encouragement of profligacy and vice, and for providing a proper succession of housebreakers, profligates, and thieves. They are schools, too, conducted without the smallest degree of partiality and favour, there

being no man (however mean his birth or obscure his situation), who may not easily procure admission to them. The moment any young person evinces the slightest propensity for these pursuits, he is provided with good clothing and lodging, and put to his studies under the most accomplished thieves and cut-throats the county can supply. There is, to be sure, not a formal arrangement of lectures, after the manner of our universities, but the petty larcenous stripling, being left destitute of every species of employment, and locked up with accomplished villains as idle as himself, listens to their pleasant narration of successful crimes, and pants for the hour of freedom, that he may begin the same bold and interesting career."

An established maxim in ethics is: "That indiscriminate association of prisoners in common gaols necessarily involves the corruption and contamination of all the prisoners who are capable of being made worse."

For nearly fifty years, there has been an almost universal consensus of opinion among prison reformers as to the necessity of the rigid enforcement of the separate system, as it is called, in all common gaols. In England it was, so far back as 1835, strongly recommended by a select committee of the House of Lords. Again, in 1837, it was powerfully advocated in his report by the Inspector of Prisons; again, in 1847, by a select committee of the House of Lords; and still again, in 1850, by a select committee of the House of Commons.

In 1865, copies of the "Report and Evidence of the Committee of the House of Lords," were transmitted to the then Governor-General of Canada by the Secretary of State for the Colonies, accompanied by an exhaustive circular despatch, in order, as the despatch explained, "that the colony should

as conducted fifty years ago:

have the benefit of the experience of the mother country, and of the eminent men who had made that experience their study, for the purpose of effecting any amendments which may be needed in the prisons and system of prison discipline in use in Canada."

In urging the adoption of the separate system in Canada, they add: "You will bear in mind that no ordinary difficulties, nor indeed any difficulties, should be allowed to stand in the way of the establishment of the system."

The Inspector of Prisons in the southern district of England, in 1882, referring to the then recent introduction of the separate system into certain of the prisons in England, speaks of the growing conviction of the advantages which have attended the adoption of separate confinement, and adds that the number of commitments to the prisons altered (so as to make them suitable for the separate system) rapidly decreased, and that in many gaols it had been reduced to one-half of what it had been ten years before.

At the International Prison Congress, held in London in 1872, the only countries that declared themselves satisfied with their prison systems were Belgium, Germany, and Russia, these being the only countries which had adopted the cellular or separate system; and these three countries, in their official answers to the questions submitted to them, stated that they were satisfied with their prison system so far as it was cellular or separate, and no farther. The Prussian Government, in particular, while speaking in high terms of praise of the general organization of their prisons, added that there was one thing yet lacking. "We need the application of cellular (or separate) imprisonment in all cases of preventive detention and of short sentences;" in other

words, the application of the separate system to their common gaols and houses of detention.

One of the interrogatories put to the convict on his arrival at the penitentiary was as to the effect upon him of his first imprisonment in gaol. The response in almost every case was substantially the same: "I left it worse than when I entered it."

In the common gaols, this Satanic work of inoculating the young with vice and crime, this work of manufacturing criminals, this work of discouraging morality and virtue, all this is done under the aegis of the law, with the co-operation of judges, sheriffs, and other legal functionaries, and with the implied sanction and approval of society at large.

If there are no reformatories, or, better still, "homes" or "refuges" to which they can be sent, with a reasonable hope of their being brought under wise discipline and wholesome moral influences, it would be better, infinitely better, (in the case at least of boys), that they should be brought at once before a special magistrate appointed for the purpose, and, if found guilty, soundly flogged and dismissed; infinitely better this, than that they should be consigned, as they now are, to our common gaols, to enter upon their apprenticeship to crime, to start, as it were, upon what Bulwer truly designates "the law's royal road to the gallows."

After a few experiences of the mode of life in gaol, they come to regard it, not as a place of punishment, to be carefully shunned, but as a club or hotel, where they are comfortably housed, clothed, and fed, at the public expense. Little wonder that, under these circumstances, our habitual offenders are frequently found to have recourse to various ingenious devices to fit

themselves as proper recipients of the hospitalities of our gaols !

Mr. Charles Dudley Warner, in his address delivered before the Saratoga Congress in 1884, says : " It is the right and the duty of the State, in the interest, not only of society at large, but in the true interest of the criminals themselves, to subject them to a lengthened sentence of imprisonment in some institution (central prison or otherwise), where their labours will pay for their keep, and where, under proper discipline, they will have an opportunity and an incentive to the formation of habits of industry, of self-dependence and self-respect ; and further, that they should remain there until, by their conduct, they have shown that they will be self-supporting, law-abiding members of society. This method of treatment implies that the State has the power of passing indeterminate sentences of imprisonment ; in other words, of sentencing a prisoner to confinement until, in the opinion of some constituted tribunal, he can with safety to society be discharged.

" When a man shows by his conduct a fixed determination to be a criminal, and to prey upon society, society is in its right in saying : ' We will not allow you to carry out your plan of life ; we

will put you in a place where you cannot victimize or terrorize society, where you will be compelled to earn your own living, and at the same time have every chance afforded you of reforming and acquiring habits of industry and self-respect ; and there we will keep you until, by your conduct, you give us reason to believe that, if allowed to return to the world, you will prove a law-abiding, self-supporting member of the community."

The cost of this mode of dealing with incorrigibles is, as Mr. Warner says, infinitely less than the cost of watching, catching, trying, and imprisoning them, on shorter or longer sentences, over and over again, to say nothing of the cost of their depredations.

It may, I think, be taken as established, that society will consult its best interests by sentencing incorrigibles, or confirmed criminals, to indeterminate imprisonment in central prisons or other institutions, where a judicious system of discipline is steadily enforced.

In conclusion, I would solemnly ask that each one here present should consider what criminals we ourselves are ; how much we have been forgiven ; and, in this same spirit of love and forgiveness, proceed to do our best for other criminals in our land.



